

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RICHARD L. MITCHELL,

Plaintiff,

v.

OFFICER O. QUINTANILLA, et al.,

Defendants.

Case No.: 2:22-cv-01827-ART-BNW

**ORDER**

(ECF No. 1)

On October 31, 2022, pro se plaintiff Richard L. Mitchell, an inmate in the custody of the Nevada Department of Corrections, submitted a civil-rights complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to proceed *in forma pauperis* is incomplete because **Plaintiff did not include a completed Acknowledgement**, which is page 3 of the Court's form application. (See ECF No. 1 at 3). The Court will therefore deny the application without prejudice and grant Plaintiff an extension of time to either file a new fully complete application or pay the full \$402 filing fee for a civil action.

**I. DISCUSSION**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See id.* at § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. LSR 1-1. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court:

1. A completed **Application to Proceed in Forma Pauperis for Inmate** (pages 1–3 of the Court's form) that is properly signed by the inmate twice on page 3;

2. A completed **Financial Certificate** (page 4 of the Court's form) that is properly signed by both the inmate and a prison or jail official; and
3. A copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2. Plaintiff has not paid the filing fee for this action but has applied to proceed *in forma pauperis*. However, as explained above, Plaintiff's application to proceed *in forma pauperis* is incomplete.

## II. CONCLUSION


It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1) is denied without prejudice.

It is further ordered that Plaintiff has **until January 28, 2023** to either pay the full \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three required documents: (1) a completed application to proceed *in forma pauperis* with the inmate's two signatures on page 3, (2) a completed financial certificate that is signed both by the inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account statement for the previous six-month period.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complete application to proceed *in forma pauperis* or pay the required filing fee.

The Clerk of the Court will send Plaintiff a courtesy copy of the original application to proceed *in forma pauperis* (ECF No. 1) and the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same. And the Clerk will retain the complaint (ECF No. 1-1) but not file it at this time.

DATED: November 28, 2022.

  
BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE